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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Applicant:

Cynthia S. Bell

Serial No.: 09/524,029

Filed: March 13, 2000

For: Automatic Brightness  
Control for Displays

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Art Unit: 2629

Examiner: William Boddie

Atty Docket: ITL.0333US  
P8221

Assignee: Intel Corporation

Mail Stop **Appeal Brief-Patents**  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**REPLY BRIEF**

**Section 112 Rejection**

There are two possible frames of reference for the claimed ambient light. The Examiner argued, in a previous office action, that the prior wording of the claim covered measuring ambient light on the imager, as well as ambient light relative to the display.

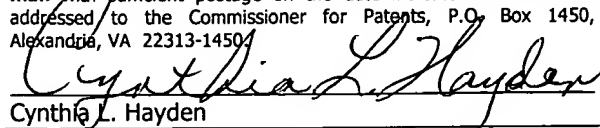
The word "on," before display, indicates what ambient light was being referred to in the claim. If the light is not on the display, it is not relevant. For example, if the display is in Houston, it does no good to measure ambient light in the North Pole.

The specification gives an example, cited by the Examiner, where the ambient light is on the display (a microdisplay), but not directly on the display screen. The specification gives other examples like TV and LCD screen where the light is both on the display and directly on the display's screen (Specification, page 9, (Direct View LCD) and page 7 (TV)).

Even in the case of the microdisplay, the ambient light must be "on the display" even if not on its screen -- or the ambient light would not be "ambient."

Date of Deposit: November 3, 2008

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Cynthia L. Hayden

Therefore, the rejection should be reversed.

**Prior Art Rejection**

The new rejection is the same as the old one that was reversed before. Murakami is cited for the same thing Helms was cited for before. Nishibe is cited for the same thing Hosoi was cited for before.

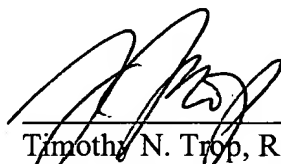
The only difference is that the Examiner has new theories for combining these same types of references (or as The Examiner explains, "the combination is more thoroughly discussed"). What the Examiner is missing is that the prior reversal was not based on absence of a rationale to combine, but the failure to teach that you could convert integration time of the light sensor into a form suitable for use in controlling display brightness. As before, the combination of the references (even if suitable) "is still one step short of converting that information in some way to a form useful for controlling display brightness." Decision on Appeal, page 6.

Since the current rejection suffers from the same deficiencies as the prior rejection, the reliance on the same teachings as before with a "more thorough" discussion of combinability than before should be reversed again.

Moreover, for the reasons set forth in the appeal brief, there is no basis for combining the references, other than the Examiner's application of unsupported, hindsight reasoning.

Respectfully submitted,

Date: November 3, 2008



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